

Application Serial No. 10/029,194

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Remarks/Arguments

Claims 1, 16, 21, 23 and 24 are the independent claims of the present application. The Applicant draw's the Examiner's attention to the Preliminary Amendment filed September 20, 2001, in which claims 5, 6, 12-15 and 25-27 were cancelled.

In the office action, the Examiner rejected all of the pending claims under Section 102(b) as anticipated by U.S. Patent No. 5,138,615 to Lampport et al. ("Lampport"). The Applicant respectfully traverses these rejections.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only where each and every limitation of the claimed invention is found in that reference. MPEP § 2131 (citations omitted).

Claim 1 recites:

"A method of extending a spanning hierarchical protection tree in a mesh network comprising:

at a current node, receiving an invitation to become a child of a first adjacent node;

if a minimum capacity along a protection path from said current node to a root node of the spanning hierarchical protection tree which visits the first adjacent node is greater than a minimum capacity of any existing protection path from said current node to said root node:

designating said first adjacent node as a primary parent of said current node in said tree; and

from said current node, sending an invitation to become a child of said current node in said tree to each adjacent node of said current node that is not said first adjacent node." [Emphasis added]

The Examiner suggests that Lampport discloses the italicized claim language at column 43, line 24 – column 46, line 45 (see pages 2-3 of office action). The Applicant respectfully disagrees. The referenced portion of Lampport fails to disclose the use of protection paths and fails to disclose any consideration of the minimum

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capacity along any path. Accordingly, because each and every limitation of the claimed invention is not found in Lamport, it is submitted that claim 1 cannot be anticipated by Lamport. Applicant therefore respectfully requests withdrawal of the rejection of Claim 1.

Claim 16 is directed to a computer readable medium storing computer software that, when loaded into a computing device, adapts said device to extend a spanning hierarchical protection tree in a mesh network.

A portion of claim 16 is reproduced below:

“... if a minimum capacity along a protection path from said current node to a root node of the spanning hierarchical protection tree which visits the first adjacent node is greater than a minimum capacity of any existing protection path from said current node to said root node, designating said first adjacent node as a primary parent of said current node in said tree.” [emphasis added]

As will be apparent from the excepted claim language, claim 16 incorporates similar claim limitations to those highlighted above in respect of claim 1. Accordingly, the Applicant submits that claim 16 cannot be anticipated by Lamport for the same reasons as were set forth above in respect of claim 1. Applicant accordingly respectfully requests withdrawal of the rejection of Claim 16.

Claim 21 as amended recites:

“A computer readable medium storing computer software that, when loaded into a computing device, adapts said device to reconnect a node disconnected from a spanning hierarchical protection tree in a mesh network to the spanning hierarchical protection tree by:

designating a backup parent of said disconnected node in said tree to be a primary parent of said disconnected node in said tree; and

from said disconnected node, sending an invitation to become a child of said disconnected node in said tree to each adjacent node of said disconnected node that is not said primary parent, said invitation providing an indication of a minimum capacity of a protection path to a root node of the spanning hierarchical protection tree which visits said disconnected node.” [emphasis added]

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The underlined claim language represents language which has been introduced by way of the present response. As stated above, the Applicant does not believe that the use of protection paths between nodes or consideration of the minimum capacity along any protection path is disclosed in Lamport, as the Examiner suggests. Accordingly, it is submitted that claim 21 as amended cannot be anticipated by Lamport because Lamport does not disclose all of the claim features. The Applicant therefore respectfully requests that the rejection of claim 21 be withdrawn.

Withdrawal of the rejections of claims 23 and 24 is also respectfully requested on the same basis, given the incorporation by these claims of similar claim limitations.

Given that the independent claims distinguish over the cited art, the remaining claims, which depend from the independent claims, also distinguish over the art of record.

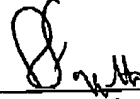
No new matter has been added by the above amendments.

In view of the foregoing, favourable reconsideration and allowance of the application are earnestly solicited.

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Respectfully submitted,



Ronald D. Faggetter
Registration No. 33,345

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
Canada M5G 2K8
Telephone: (416) 593-5514
Facsimile: (416) 591-1690

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